

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DWAYNE J. SCOTT and DERELL J.
MEYNARD, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET GROUP, INC.

Defendant.

Case No. 2:18-cv-00086-SJF-AKT

**NOTICE OF NO OPPOSITION RECEIVED AS TO
DEFENDANT WHOLE FOODS MARKET GROUP, INC.'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Now comes the Defendant Whole Foods Market Group, Inc. (“Defendant” or “Whole Foods”), by and through its attorneys, Hunton Andrews Kurth LLP, and hereby states that, as of this date, it has not received an opposition to its Motion for Judgement on the Pleadings (“Motion”) from the Plaintiffs Dwayne J. Scott and Derell J. Meynard (“Plaintiffs”).

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, Local Rule 6.1(b), and the Individual Rules of Hon. Sandra J. Feuerstein Rule 4, opposition papers were due to be served within fourteen (14) days of service of the Motion. The Motion was served on the Plaintiffs on September 9, 2019 via electronic service, per agreement of the Parties (as is noted in the applicable Certificates of Service). The Plaintiffs have not served any opposition on the Defendant, via electronic mail or otherwise, nor have they filed a copy of the enclosure letter containing same via ECF, per Judge Feuerstein’s Individual Rule 4(B)(ii).¹

¹ On September 17, 2019 the Plaintiffs filed a Letter Motion for Extension of Time to File Response/Reply to the Motion (see Docket Entry 40, the “Letter Motion”). Whole Foods timely opposed the Letter Motion on September 20, 2019 (see Docket Entry 41). The Court has not ruled on the Letter Motion, and as such the deadline for the Plaintiffs’ opposition or response to the instant Motion was expired a week ago, on September 23, 2019.

Respectfully submitted,

DEFENDANT WHOLE FOODS MARKET
GROUP, INC.

By: /s/ Christopher M. Pardo
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Dated: September 30, 2019

CERTIFICATE OF SERVICE

I, Christopher M. Pardo, counsel for Defendant Whole Foods Market Group, Inc., hereby certify that on September 30, 2019, the foregoing document was filed by CM/ECF and served on counsel for all parties, including:

Steven John Moser, Esq.
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/s/ Christopher M. Pardo
Christopher M. Pardo